

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

3 davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

4 melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

5 johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

6 jordanjaffe@quinnemanuel.com

50 California Street, 22nd Floor

7 San Francisco, California 94111-4788

Telephone: (415) 875-6600

8 Facsimile: (415) 875-6700

9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS PRÉCIS IN SUPPORT
OF REQUEST TO FILE MOTION FOR
AN ADVERSE INFERENCE JURY
INSTRUCTION ON ACCOUNT OF
DEFENDANTS' SPOILIATION**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its October 23, 2017 Précis In Support Of Request To File Motion For An Adverse Inference Jury Instruction On Account Of Defendants’ Spoliation (“Précis Regarding Spoliation”).

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. WAYMO’S SUPPLEMENTAL BRIEF AND ACCOMPANYING EXHIBITS

Waymo seeks to seal the highlighted portions of Waymo’s Précis Regarding Spoliation because Defendants and/or Anthony Levandowski have designated the information confidential and/or highly confidential. Waymo expects Defendants to file one or more declarations in accordance with the Local Rules. Declaration of Andrea Pallios Roberts, ¶ 3.

III. CONCLUSION

In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the above listed documents accompany this Administrative Motion. For the foregoing reasons, Waymo respectfully requests that the Court grant Waymo’s Administrative Motion.

DATED: October 23, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

By /s/ Melissa J. Bailly

Melissa J. Bailly
Attorneys for WAYMO LLC